

¹ Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive the right to appeal. (Doc. 14 at 23 n.5); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”). Even including three additional days for service under Fed. R. Civ. P. 6(d), that period expired on February 25, 2013.

The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b); Plaintiff's Motion for Judgment on the Pleadings (Doc. 10) is **GRANTED**; Defendant's Motion for Summary Judgment (Doc. 12) is **DENIED**; and the Commissioner's decision denying benefits is hereby **REVERSED AND REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for action consistent with this Order and the Magistrate Judge's Report and Recommendation.

SO ORDERED this 26th day of February, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE